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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,534	11/15/2001	Toshihiro Shima	TMI-108	7269

7590 06/15/2007
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ALEXANDRIA, VA 22314

EXAMINER

POPOVICI, DOV

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/987,534

Applicant(s)

SHIMA, TOSHIHIRO

Examiner

Dov Popovici

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

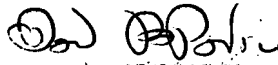
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVICI
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/7/2007 has been entered.

Specification

The abstract of the disclosure is objected to because it contains two paragraphs. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gase et al. (U.S. Patent No. 5,580,177).

As to claim 20, Gase et al. discloses a network device (client processor 10, 12, 14) for generating print data in accordance with information resources received from outside, and sending said print data to a printer (18, 20, 22); characterized in that print related information (reads on: most updated printer driver procedure) necessary for generating said print data is appropriately acquired from a prescribed location (file server 16) on the network (see figure 1) at a prescribed time (reads on: at the time a print request is issued); wherein said print data is generated by using said acquired print related information (print data is generated with the most updated printer driver procedure), and sent to said printer (18, 20, 22); and characterized in that the print related information (most updated printer driver procedure) which is acquired from the prescribed location (file server 16) on said network (see figure 1) contains, in addition to information concerning the prescribed location (file server 16), information concerning a prescribed location (file server 16) on said network (see figure 1) to be accessed upon

the next acquisition of said print related information (reads on: the server is responsive to a print request from a client, to assign a printer, the server with client determine if a driver for the assigned printer in the client is identical to a most updated driver stored in the file server, if not, the server enables alteration of the driver in the client to bring it into coincidence with the most updated driver. The next time the client issues a print request, the file server will receive the request to determine the printer. The server will also determine if the most updated printer driver is installed in the client. If not, the server will update the client driver with the most updated driver the server has. This reads on the print related information (the most updated printer driver) which is acquired from a prescribed location (server 16) on said network contains, in addition to information concerning the prescribed location, information concerning a prescribed location on said network to be accessed upon the next acquisition of said print related information. Thus, the print related information or most updated printer driver includes a prescribed location for a next acquisition in addition to information regarding the current prescribed location, since the same file server will be accessed at the next acquisition of the print related information); (see abstract, figures 1, 3a-b, and column 2, lines 35-55, column 3, line 51 to column 4, line 26).

As to claim 33, Gase et al. discloses a printer generating print data in accordance with information resources received from outside, and executing printing; characterized in that print related information (reads on: the most updated printer driver procedure) necessary for generating said print data is appropriately acquired from a prescribed location (from file server 16) on a network at a prescribed time; (at the time of a print

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request); wherein said print data is generated and printed by using said acquired print related information; and characterized in that the print related information (most updated printer driver procedure) which is acquired from the prescribed location (file server 16) on said network contains, in addition to information concerning the prescribed location, information concerning a prescribed location on said network to be accessed upon the next acquisition of said print related information; (reads on: the server is responsive to a print request from a client, to assign a printer, the server with client determine if a driver for the assigned printer in the client is identical to a most updated driver stored in the file server, if not, the server enables alteration of the driver in the client to bring it into coincidence with the most updated driver. The next time the client issues a print request, the file server will receive the request to determine the printer. The server will also determine if the most updated printer driver is installed in the client. If not, the server will update the client driver with the most updated driver the server has. This reads on the print related information (the most updated printer driver) which is acquired from a prescribed location (server 16) on said network contains, in addition to information concerning the prescribed location, information concerning a prescribed location on said network to be accessed upon the next acquisition of said print related information. Thus, the print related information or most updated printer driver includes a prescribed location for a next acquisition in addition to information regarding the current prescribed location, since the same file server 16 will be accessed at the next acquisition of the print related information); (see abstract, figures 1, 3a-b, and column 2, lines 35-55, column 3, line 51 to column 4, line 26).

Response to Arguments

Applicant's arguments filed 5/7/2007 have been fully considered but they are not persuasive.

Applicant argues that Claims 20 and 33 now include that the print related information which is acquired from a prescribed location on said network contains, in addition to information concerning the prescribed location, information concerning a prescribed location on said network to be accessed upon the next acquisition of said print related information. Thus, the print related information includes a prescribed location for a next acquisition in addition to information regarding the current prescribed location. This is different from a sender address and/or a last hop address, and is neither taught, nor suggested by the art of record. Accordingly, it is respectfully submitted that claims 20 and 33 are allowable. The argument has been considered, but is not found to be persuasive because of the following reason(s).

The next time the client issues a print request, the file server will receive the request to determine the printer. The server will also determine if the most updated printer driver is installed in the client. If not, the server will update the client driver with the most updated driver the server has. This reads on the print related information (the most updated printer driver) which is acquired from a prescribed location (server 16) on said network contains, in addition to information concerning the prescribed location, information concerning a prescribed location on said network to be accessed upon the next acquisition of said print related information. Thus, the print related information or most updated printer driver includes a prescribed location for a next acquisition in


addition to information regarding the current prescribed location, since the same file server will be accessed at the next acquisition of the print related information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dov Popovici
Primary Examiner
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